

BEFORE THE DEPARTMENT OF LIVESTOCK  
OF THE STATE OF MONTANA

In the matter of the proposed	)	NOTICE OF PROPOSED
amendment of ARM 32.3.104, 32.3.201,	)	AMENDMENT AND ADOPTION
32.3.212, and adoption of NEW RULES	)	
I through VI pertaining to disease control	)	NO PUBLIC HEARING
	)	CONTEMPLATED

TO: All Concerned Persons

1. On December 20, 2006, the Department of Livestock proposes to amend and adopt the above-stated rules.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. on December 11, 2006, to advise us of the nature of the accommodation that you need. Please contact Marc Bridges, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; phone: (406) 444-7323; TTD number: 1-800-253-4091; fax: (406) 444-1929; e-mail: mbridges@mt.gov.

3. The rules as proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

32.3.104 SUBJECT DISEASES OR CONDITIONS (1) Diseases or conditions affecting multiple species that requiring require reporting, and quarantine when indicated, under department rules are:

~~Brucellosis,~~  
~~Tuberculosis,~~  
~~Scabies,~~  
~~Anthrax,~~  
~~Rabies,~~  
~~Pseudorabies,~~  
~~Pullorum,~~  
~~New Castle Disease,~~  
~~Scrapie,~~  
~~Contagious Equine Metritis,~~  
~~Vesicular Stomatitis,~~  
~~Foot Rot in sheep, Pediculosis in sheep; and any other domestic and exotic~~  
~~dangerous diseases and conditions of all animals.~~  
(a) Anthrax (Bacillus anthracis) (quarantine);  
(b) Bluetongue;  
(c) Brucellosis, bovine (Brucella abortus) (quarantine);  
(d) Brucellosis, caprine and ovine (Brucella melitensis) (quarantine);  
(e) Brucellosis, porcine (Brucella suis) (quarantine);

- (f) Crimean Congo hemorrhagic fever (quarantine);
- (g) Echinococcosis/hydatidosis;
- (h) Foot and mouth disease (FMD) (quarantine);
- (i) Heartwater (Cowdria ruminantium) (quarantine);
- (j) Heartworm;
- (k) Japanese encephalitis (quarantine);
- (l) Leishmaniasis;
- (m) Leptospirosis;
- (n) Listeriosis;
- (o) Mange, psoroptic (Psoroptes ovis) (quarantine);
- (p) Mange, chorioptic (Chorioptes bovis);
- (q) Mange, sarcoptic (Sarcoptes scabiei bovis);
- (r) New and Old World Screwworm (Cochliomya [Callitroga] hominivorax Chrysomya bezziana) (quarantine);
- (s) Paratuberculosis (John's Disease, Mycobacterium paratuberculosis);
- (t) Plague (Yersinia pestis);
- (u) Pseudorabies (Aujeszky's disease) (quarantine);
- (v) Q-Fever (Coxiella burnetti);
- (w) Rabies (quarantine);
- (x) Rift Valley fever (quarantine);
- (y) Rinderpest (quarantine);
- (z) Salmonellosis (Salmonella enteritidis enteritidis);
- (aa) Trichinellosis (Trichinella spiralis);
- (ab) Tuberculosis (Mycobacterium bovis) (quarantine);
- (ac) Tularemia (Francisella tularensis);
- (ad) Vesicular stomatitis (VS) (quarantine);
- (ae) West Nile fever/encephalitis (WNV).
- (2) Diseases or conditions affecting bovines that require reporting, and quarantine when indicated, under department rules are:
  - (a) Bovine anaplasmosis (Anaplasma marginale, A. centrale);
  - (b) Bovine babesiosis (Babesia bovis, B. bigemina) (quarantine);
  - (c) Bovine genital campylobacteriosis (Campylobacter fetus venerealis);
  - (d) Bovine spongiform encephalopathy (BSE) (quarantine);
  - (e) Bovine viral diarrhea (BVD);
  - (f) Contagious bovine pleuropneumonia (Mycoplasma mycoides mycoides) (quarantine);
  - (g) Enzootic bovine leukosis (BLV);
  - (h) Hemorrhagic septicemia (Pasteurella multocida, serotypes B/Asian or E/African);
  - (i) Infectious bovine rhinotracheitis/infectious pustular vulvovaginitis (IBR/IPV);
  - (j) Lumpy skin disease (quarantine);
  - (k) Malignant catarrhal fever (MCF, Bovine malignant catarrh, wildebeest associated);
  - (l) Theileriosis (Theileria annulata, T. parva) (quarantine);
  - (m) Trichomoniasis (Trichomonas [Trichomonas] foetus);

(n) Trypanosomosis (Tse-tse borne, Trypanosoma congolense, T. vivax, T. brucei brucei) (quarantine).

(3) Diseases or conditions affecting caprines or ovines that require reporting, and quarantine when indicated, under department rules are:

(a) Caprine arthritis/encephalitis (CAE);

(b) Contagious agalactia (Mycoplasma agalactiae, M. capricolum, M. putrefaciens, M. mycoides mycoides, M. mycoides mycoides LC) (quarantine);

(c) Contagious caprine pleuropneumonia (Mycoplasma capricolum capripneumoniae) (quarantine);

(d) Contagious footrot (Bacteroides nodosus and Fusobacterium necrophorum) (quarantine);

(e) Enzootic abortion of ewes (Ovine psittacosis, Chlamydia psittaci);

(f) Nairobi sheep disease (quarantine);

(g) Ovine epididymitis (Brucella ovis);

(h) Ovine progressive pneumonia/Maedi-Visna (OPP);

(i) Pediculosis (Linognathus ovillus, L. pedalis, L. oviformis, L. stenopsis, Damalinia ovis, D. caprae, D. limbatus, or Holokartikos crassipes) (quarantine);

(j) Peste des petits ruminants (quarantine);

(k) Salmonellosis (Salmonella abortusovis);

(l) Scrapie (quarantine);

(m) Sheep pox and goat pox (quarantine).

(4) Diseases or conditions affecting equines that require reporting, and quarantine when indicated, under department rules are:

(a) African horse sickness (quarantine);

(b) Contagious equine metritis (CEM, Taylorella equigenitalis) (quarantine);

(c) Dourine (Trypanosoma equiperdum) (quarantine);

(d) Equine encephalomyelitis (Eastern [EEE] or Western [WEE]);

(e) Equine infectious anemia (EIA) (quarantine);

(f) Equine influenza (Virus Type A);

(g) Equine piroplasmiasis (Babesiosis, Babesia [Piroplasma] equi, B. caballi) (quarantine);

(h) Equine rhinopneumonitis (EHV-1 and EHV-4);

(i) Equine viral arteritis (EVA);

(j) Glanders (Pseudomonas mallei) (quarantine);

(k) Surra (Trypanosoma evansi) (quarantine);

(l) Venezuelan equine encephalomyelitis (VEE) (quarantine).

(5) Diseases or conditions affecting porcines that require reporting, and quarantine when indicated, under department rules are:

(a) African swine fever (quarantine);

(b) Classical swine fever (Hog cholera) (quarantine);

(c) Nipah virus encephalitis (quarantine);

(d) Porcine cysticercosis (Cysticercus cellulosae);

(e) Porcine reproductive and respiratory syndrome (PRRS);

(f) Swine vesicular disease (quarantine);

(g) Transmissible gastroenteritis (TGE).

(6) Diseases or conditions affecting avians that require reporting, and quarantine when indicated, under department rules are:

- (a) Avian chlamydiosis (Ornithosis and psittacosis, Chlamydia psittaci);
- (b) Avian infectious bronchitis;
- (c) Avian infectious laryngotracheitis (ILT);
- (d) Avian mycoplasmosis (Mycoplasma gallisepticum or M. synoviae);
- (e) Duck virus hepatitis (DVH);
- (f) Exotic Newcastle disease (END) (quarantine);
- (g) Fowl cholera (Avian pasteurellosis, Pasteurella multocida);
- (h) Fowl typhoid (Salmonella gallinarum) (quarantine);
- (i) Highly pathogenic avian influenza (HPAI, fowl plague) (quarantine);
- (j) Infectious bursal disease (Gumboro disease);
- (k) Marek's disease;
- (l) Pullorum disease (Salmonella pullorum) (quarantine);
- (m) Turkey rhinotracheitis (Avian pneumovirus).
- (7) Diseases or conditions affecting aquaculture (commercial food fish) that require reporting, and quarantine when indicated, under department rules are:
  - (a) Viral hemorrhagic septicemia;
  - (b) Spring viremia of carp;
  - (c) Infectious hematopoietic necrosis;
  - (d) Epizootic hematopoietic necrosis;
  - (e) Oncorhynchus masou virus disease.
- (8) Diseases and conditions affecting cervids that require reporting, and quarantine when indicated, under department rules are:
  - (a) Chronic wasting disease (CWD) (quarantine).
- (9) Diseases and conditions affecting lagomorphs that require reporting, and quarantine when indicated, under department rules are:
  - (a) Myxomatosis;
  - (b) Rabbit hemorrhagic disease (quarantine).
- (2) and (3) remain the same but are renumbered (10) and (11).

AUTH: 81-2-102, 81-2-103, 81-20-101, MCA  
IMP: 81-2-102, 81-20-101, MCA

32.3.201 DEFINITIONS (1) through (1)(g) remain the same.

(h) "Virgin bull" means a sexually intact male bovine less than 12 months of age or a sexually intact male bovine 12 to 24 months of age that is accompanied by a signed affidavit from the owner or manager as having had no potential breeding contact with sexually intact female cattle.

AUTH: 81-2-102, 81-2-103, 81-20-101, MCA  
IMP: 81-2-102, 81-2-103, 81-20-101, MCA

32.3.212 ADDITIONAL REQUIREMENT FOR CATTLE (1) through (1)(d) remain the same.

(2) All sexually intact male cattle entering Montana must meet the trichomoniasis testing and certification requirements set forth in [NEW RULE II], except as provided below:

(a) those being transported through Montana with no intent to unload in the state. In an emergency situation, the cattle may be unloaded in compliance with quarantine rules promulgated by the department at ARM 32.3.106 through 32.3.111;

(b) those consigned directly to a licensed slaughtering establishment or to a licensed livestock market and then directly to a licensed slaughtering establishment;

(c) those consigned directly to a feedlot approved by the state veterinarian and then directly to either a licensed slaughtering establishment or to a licensed livestock market and then directly to a licensed slaughtering establishment;

(d) virgin bull;

(e) those imported for exhibition or rodeo purposes and held in confined facilities;

(f) those imported as part of state veterinarian approved seasonal grazing operations without changing ownership, following a risk assessment. Sexually intact male cattle imported as part of state veterinarian approved seasonal grazing operations may be subject to herd-specific testing and certification requirements as determined by the state veterinarian.

(2) remains the same but is renumbered (3).

AUTH: 81-2-102, 81-2-103, ~~81-20-101~~, 81-2-707, MCA

IMP: 81-2-102, 81-2-703, ~~81-20-101~~, MCA

4. The rules proposed for adoption provide as follows:

NEW RULE I. DEFINITIONS In this subchapter:

(1) "Epidemiological investigation" means the scientific investigation conducted to determine the population of cattle or cattle herds that may be affected with or exposed to trichomoniasis.

(2) "Exposed herd notification" means owners or managers of exposed herds have been notified by the Department of Livestock or its agent that the owner's herd may have been exposed to a test positive animal or test positive herd.

(3) "Exposed herds" means cattle herds that have, within the previous twelve months, had direct commingling or cross-fence contact with a test positive animal or a test positive herd during the time of potential breeding activity.

(4) "Herd" means a group or groups of sexually intact cattle 12 months of age or older under common ownership or supervision that have commingled during the previous 12 months.

(5) "Hold order" means a restriction placed on test positive animals, test positive herds, or exposed herds prohibiting their movement from a premises or a portion of a premises to minimize exposure to other animals or herds.

(6) "Individual identification" means an official United States Department of Agriculture (USDA) eartag, a breed registry tattoo, an official state-issued trichomoniasis eartag, or any other means of permanent identification approved by the state veterinarian.

(7) "Official trichomoniasis test" means the sampling procedure conducted by a licensed veterinarian of the preputial content of a sexually intact male bovine and submitted to a laboratory accredited by the American Association of Veterinary Laboratory Diagnosticians or a laboratory approved by the state veterinarian to

identify *Tritrichomonas foetus* by direct microscopic examination, in vitro cultivation, PCR testing, or other test approved by the state veterinarian.

(8) "Test positive animal" means an animal in which a laboratory accredited by the American Association of Veterinary Laboratory Diagnosticians or a laboratory approved by the state veterinarian has identified *Tritrichomonas foetus* by direct microscopic examination, in vitro cultivation, PCR testing, or other test approved by the state veterinarian.

(9) "Test positive herd" means a herd of cattle in which a licensed veterinarian or an approved laboratory has identified *Tritrichomonas foetus* in one or more animals by direct microscopic examination, in vitro cultivation, PCR testing, or other test approved by the state veterinarian.

(10) "Trichomoniasis" means a sexually transmitted disease of cattle caused by the protozoan organism *Tritrichomonas* (*Trichomonas*) *foetus*.

AUTH: 81-2-102, 81-2-103, MCA  
IMP 81-2-102, MCA

**NEW RULE II OFFICIAL TRICHOMONIASIS TESTING AND CERTIFICATION REQUIREMENTS** (1) The following official trichomoniasis testing and certification requirements apply to all nonvirgin, sexually intact male cattle imported into Montana or sold, loaned, or leased in Montana, except as provided in ARM 32.3.212:

(a) Nonvirgin male cattle must be negative to three official trichomoniasis tests;

(i) The tests must be conducted at intervals of no less than seven days between each test;

(ii) There must be no breeding activity during the intervals between the three tests or between the final of the three negative tests and the time of import, sale, loan, or lease; and

(iii) All tested male cattle must be individually identified at the time of test;

(b) The following statement must be on the certificate of veterinary inspection: "The bull(s) identified on this certificate were negative to three official trichomoniasis tests. The three tests were conducted at intervals of no less than seven days between each test. There was no breeding activity during the intervals between the three tests or between the final test and time of import, sale, loan, or lease in Montana."

AUTH: 81-2-102, 81-2-103, 81-2-707, MCA  
IMP: 81-2-102, 81-2-703, MCA

**NEW RULE III REPORTING TRICHOMONIASIS** (1) All licensed laboratories and all licensed Montana veterinarians conducting trichomoniasis testing of cattle in Montana shall report test positive animals to the department within one working day of such test or diagnosis.

AUTH: 81-2-102, 81-2-103, MCA  
IMP: 81-2-102, 81-2-107, MCA

NEW RULE IV CONFIRMATORY TESTING OF TEST POSITIVE ANIMALS

(1) The Department of Livestock may require or recommend a retest or supplemental testing of test positive animals to confirm infection.

AUTH: 81-2-102, 81-2-103, MCA  
IMP: 81-2-102, MCA

NEW RULE V DISPOSITION OF TEST POSITIVE ANIMALS (1) Test

positive animals shall be subject to an immediate hold order and shall remain on the premises where the animal was found to be infected, the owner's premise, or another premises approved by the state veterinarian and are subject to the department's general disease control administrative rules.

(2) Test positive animals shall be individually identified with an identification device approved by the state veterinarian.

(3) Test positive animals shall remain on a hold order until they are:

- (a) consigned directly to a licensed slaughtering establishment;
- (b) consigned directly to a licensed livestock market and then directly to a licensed slaughtering establishment; or
- (c) consigned directly to a licensed feedlot and then directly to a licensed slaughtering establishment.

AUTH: 81-2-102, 81-2-103, MCA  
IMP: 81-2-102, 81-2-108, MCA

NEW RULE VI EPIDEMIOLOGICAL INVESTIGATION AND EXPOSED

HERD NOTIFICATION (1) Upon receipt of a report of a test positive animal or a test positive herd, the department shall conduct an epidemiological investigation to identify animals or herds that were potentially exposed to a test positive animal or a test positive herd.

(2) Upon completion of the epidemiological investigation, the department or its agent shall issue an exposed herd notification notifying all owners or managers of exposed herds that the herd may have been exposed to a test positive animal or test positive herd. The department will provide owners of exposed herds with educational materials pertaining to trichomoniasis, including detection, prevention, control, eradication, and management strategies.

(3) Exposed herds may be subject to a hold order and official trichomoniasis testing and certification requirements as set forth in [NEW RULE II].

AUTH: 81-2-102, 81-2-103, MCA  
IMP: 81-2-102, 81-2-108, MCA

REASON: ARM 32.3.104 is proposed for amendment in order to revise the list of diseases or conditions affecting multiple species which will require reporting or quarantine (when indicated in the rules) in the state of Montana. This list of diseases has not been revised since 1988, and has become outdated. The proposed revised list is necessary to identify many other animal diseases or

conditions which must be reported to prevent the introduction or spread of infectious, contagious, communicable, or dangerous diseases in this state.

The proposed amendments to ARM 32.3.201, 32.3.212, and proposed adoption of New Rules I through VI are necessary to make Trichomoniasis in cattle a reportable disease in the state of Montana consistent with the USDA's National Animal Health Reporting System requirements. The rules will also allow a means of neighbor notification. The livestock industry had previously identified concerns about the possibility of Trichomoniasis being imported into the state. The proposed rules include mandatory testing of bulls imported into the state, and for change of ownership providing consistency with many Western states.

The AUTHORITY and IMPLEMENTING citations for ARM 32.3.104, 32.3.201, and 32.3.212 are being amended to delete inappropriate statutory citations, and to add appropriate statutory citations.

5. Concerned persons may submit their data, views, or arguments concerning the proposed actions in writing to Marc Bridges, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to [mbridges@mt.gov](mailto:mbridges@mt.gov) to be received no later than 5:00 p.m., December 18, 2006.

6. If persons who are directly affected by the proposed actions wish to express their data, views, and arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m., December 18, 2006.

7. If the department receives requests for a public hearing on the proposed actions from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed actions; from the appropriate administrative rule review committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be more than 25, based upon the population of the state.

8. An electronic copy of this proposal notice is available through the department's web site at [www.mt.gov/liv](http://www.mt.gov/liv).

9. The Montana Department of Livestock maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by this department. Persons who wish to have their name added to the list shall make a written request, which includes the name and mailing address of the person to receive notices, and specifies the area of interest that the person wishes to receive notices regarding. Such written request may be mailed or delivered to Marc Bridges,

301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; faxed to (406) 444-1929 "attention Marc Bridges"; or e-mailed to mbridges@mt.gov. Request forms may also be completed at any rules hearing held by the department.

10. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

DEPARTMENT OF LIVESTOCK

BY: /s/ Marc Bridges

Marc Bridges

Executive Officer

Board of Livestock

Department of Livestock

BY: /s/ Carol Grell Morris

Carol Grell Morris

Rule Reviewer

Certified to the Secretary of State October 30, 2006.